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FILED

OCT 25 2007

RICHARD M. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO RENDON-
GUTIERREZ,

Defendant.

No. ~~CR~~ 07-0455 VRW

[PROPOSED] STIPULATED ORDER
RE: REFERRAL TO A SETTLEMENT
CONFERENCE

The defendant in the above-entitled case is currently before this Court on charges of illegal reentry, in violation of 8 USC § 1326. He is represented by Assistant Federal Public Defender Steven Kalar in these criminal proceedings.

The defendant is also involved in civil proceedings before the Honorable Magistrate Judge Maria Elena James. *See United States v. \$73,306 in United States Currency*, No. C 07-3680 MEJ. In those proceedings, the civil division of the United States Attorney's Office seeks forfeiture of funds seized when Mr. Rendon-Gutierrez was arrested in the United States. Mr. Rendon-Gutierrez represents himself in those civil proceedings.

AFPD Kalar has represented to the Court that the defendant wishes to use part of these seized funds to hire private counsel, to represent the defendant in the criminal illegal reentry prosecution. The Court notes that the defendant has filed a motion asking that Mr. Kalar be relieved as counsel,

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1 although that motion is currently stayed.

2 Mr. Kalar has suggested that the civil forfeiture action be referred to the Honorable Magistrate
3 Judge Joseph Spero for a settlement conference. This conference may produce a settlement that
4 would allow Mr. Rendon-Gutierrez to retain private counsel, and to proceed with the criminal case.
5 Mr. Kalar has further suggested that he, and AUSA Allison Danner, be allowed to participate in the
6 civil settlement conference in an unofficial capacity. As noted above, Mr. Rendon-Gutierrez does not
7 have the benefit of counsel in the civil proceeding.

8 Because resolution of the civil forfeiture matter may also resolve the issue of representation in
9 the criminal case, the Court agrees with the course suggested by Mr. Kalar. The Court therefore asks
10 the Honorable Magistrate Judge James to consider referring the civil forfeiture matter to a settlement
11 conference before the Honorable Joseph Spero, if he is available. AUSA Danner and AFPD Kalar are
12 to report to this Court the status of the civil case after the settlement conference takes place.

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14 IT IS SO ORDERED.

15 10/25/07
16 DATED


17 VAUGHN R. WALKER
18 United States Chief District Court Judge
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